

EXHIBIT “A”

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

MATTHEW PULEO
vs.
WEST NORRITON POLICE DEPARTMENT

NO. 2024-25319

NOTICE TO DEFEND – CIVIL

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE
MONTGOMERY BAR ASSOCIATION
100 West Airy Street (REAR)
NORRISTOWN, PA

19404-0268 (610) 279-9660, EXTENSION 201

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IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

MATTHEW PULEO

vs.

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NO. 2024-25319

CIVIL COVER SHEET

State Rule 205.5 requires this form be attached to any document commencing an action in the Montgomery County Court of Common Pleas. The information provided herein is used solely as an aid in tracking cases in the court system. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Name of Plaintiff/Appellant's Attorney: MARC WEINBERG, Esq., ID: 60643

Self-Represented (Pro Se) Litigant

Class Action Suit Yes No

MDJ Appeal Yes No **Money Damages Requested**

Commencement of Action:**Amount in Controversy:**

Complaint More than \$50,000

Case Type and Code

Tort: _____

Other: _____

Other: PERSONAL INJURY

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SAFFREN & WEINBERG

By: Marc A. Weinberg, Esq.

Atty. I.D. No. 60643

815 Greenwood Avenue, Suite 22

Jenkintown, PA 19046

Telephone: (215) 576-0100

mweinberg@saffwein.com

Attorney For Plaintiff

MATTHEW PULEO

19 Miami Road

Norristown, PA 19403

: COURT OF COMMON PLEAS

: MONTGOMERY COUNTY

:

vs.

:

WEST NORRITON POLICE DEPARTMENT

1630 West Marshall Street

West Norriton, PA 19403

and

WEST NORRITON TOWNSHIP

1630 West Marshall Street

West Norriton, PA 19403

and

POLICE OFFICER BISHOP

1630 West Marshall Street

West Norriton, PA 19403

:

:

:

:

CIVIL ACTION COMPLAINT

OTHER PERSONAL INJURY

Plaintiff, Matthew Puleo, by and through his attorneys, Saffren & Weinberg, by Marc A. Weinberg, Esquire, hereby demands judgment against Defendants, West Norriton Township, West Norriton Police Department and Police Officer Bishop, for an amount in excess of Fifty Thousand (\$50,000.00) Dollars, and states in support hereof as follows:

1. Plaintiff, Matthew Puleo, is an adult individual and resident of the Commonwealth of Pennsylvania, residing at the address captioned above.
2. Defendant, West Norriton Police Department, is a legal entity operating under the

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auspices of the West Norriton Township and organized pursuant to the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 1630 West Marshall Street, West Norriton, PA 19403.

3. Defendant, West Norriton Township, is a township organized and existing pursuant to the laws of the Commonwealth of Pennsylvania, and located in the County of Montgomery, with its principal place of business located at 1630 West Marshall Street, West Norriton, PA 19403 and for the purposes of its business is liable for the actions of its police officers under the legal concept of respondeat superior.

4. At all times relevant hereto, Defendant Police Officer Bishop was an adult individual and a resident in the Commonwealth of Pennsylvania and, at all material times herein, was a police officer, agent, servant, workman and/or employee of West Norriton Township and West Norriton Police Department and was in the course and scope of his employment on the date of the above incident.

5. At all times material hereto, Defendant Police Officer Bishop was acting under the color of law and under the color of his authority as a police officer and in his official capacity as a police officer with the West Norriton Police Department and West Norriton Township.

6. On or about November 2, 2022, Defendants, West Norriton Police Department, West Norriton Township, and Police Officer Bishop, were acting in the course and scope of their authority and employment, when Plaintiff was arrested by the West Norriton Police Department after allegedly shop lifting at a Walmart location.

7. At all times material hereto, Plaintiff was being placed into a squad car by Defendant Police Officer Bishop when Defendant Policed Officer Bishop shut the passenger side rear door on Plaintiff, dislocating Plaintiff's right shoulder.

8. Plaintiff's right shoulder, right thumb, neck as well as back were injured as a direct result of the actions and/or conduct on the part of Defendant, Police Officer Bishop without any legitimate purpose and/or cause.

COUNT I

**Michael Puleo v. West Norriton Police Department,
West Norriton Township and Police Officer Bishop**

VIOLATION OF 42 U.S.C. §1983

9. Plaintiff hereby incorporates by reference all of the averments in the preceding paragraphs as though fully set forth herein at length.

10. The actions described above constitute excessive use of force, unlawful infliction of injury, and malicious intent, all in violation of the United States Constitution and 42 U.S.C. §1983.

11. The actions described above occurred without appropriate justification and/or excuse.

12. The direct and proximate cause of the above referenced injuries including the injury to Plaintiff's right shoulder were the actions, conduct, recklessness as well as willful and wanton actions on the part of the Defendants acting individually and jointly consisting as follows:

- a) In allowing themselves to be unable to control their violent propensities;
- b) In acting in a reckless, wanton and careless disregard to Plaintiff's safety;
- c) In committing an assault and battery upon Plaintiff without reasonable cause and/or justification;
- d) In being otherwise reckless in the pursuit of a legitimate business purpose.

13. The aforesaid actions of the police officer constituted assault and battery which is also actionable at law pursuant to Pennsylvania Common Law.

14. Plaintiff was alleged to have committed an illegal act at the time that he was assaulted.

15. There is no evidence that Plaintiff in any way resisted and/or sought physical confrontation with Defendant Police Officer Bishop.

16. As a result of the acts detailed above, the Plaintiff has incurred medical bills and suffered injuries which are permanent in nature.

17. As a further result of the Defendants' assault and battery, Plaintiff was forced to expend and may be continued to be forced to expend various sums of money in and about endeavoring to cure himself of the injuries sustained in this incident.

18. As a further result of the Defendants' assault and battery, Plaintiff suffered great pain and was hindered and prevented from and may continue to prevent him from performing and transacting his usual affairs and business.

19. As a further result of the actions referenced above, Plaintiff suffered great pain and suffering, humiliation, embarrassment and loss of life's pleasures.

WHEREFORE, Plaintiff, Matthew Puleo, demands judgment against Defendants, West Norriton Police Department, West Norriton Township and Police Officer Bishop, individually, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) together with interest, costs of suit, and any other relief this Honorable Court may deem just and proper.

COUNT II**Michael Puleo v. West Norriton Police Department,
West Norriton Township and Police Officer Bishop****ASSAULT AND BATTERY**

20. Plaintiff hereby incorporates by reference all of the averments in the preceding paragraphs as though fully set forth herein at length.

21. The injuries and damages herein as set forth were caused solely by and were the direct and proximate result of the actions and/or conduct on the part of Defendants, West Norriton Police Department, West Norriton Township and Police Officer Bishop which consisted of the following:

- a) In using excessive force in responding to an incident;
- b) In failing to properly question, search and detain Plaintiff as a result of the allegation of shoplifting;
- c) In failing to use proper care to the safety and well being of Plaintiff during the arrest process;
- d) In causing significant harm to Plaintiff by intentionally closing a car door on his right shoulder and arm thereby creating injury and significant and permanent injuries to Plaintiff;
- e) In failing to observe the appropriate care and caution required associated with the simple closing of a police car door when Plaintiff was in no way resisting the arrest process.

22. As a result of the actions detailed above, Plaintiff has suffered serious, permanent and painful injuries and has suffered grievous, physical and mental pain and suffering including

but not limited to injuries to his right shoulder, right thumb, neck and back as well as severe emotional distress as well as various ills and injuries and severe damage to his nerves and nervous system.

23. As a result of the actions detailed above, Plaintiff has incurred medical bills and suffered injuries that are permanent in nature.

24. As a further result of the Defendants' assault and battery, Plaintiff was forced to expend and may be continued to be forced to expend various sums of money in and about endeavoring to cure himself of the injuries sustained in this incident.

25. As a further result of the Defendants' assault and battery, Plaintiff suffered great pain and was hindered and prevented from and may continue to prevent him from performing and transacting his usual affairs and business.

26. As a further result of the actions referenced above, Plaintiff suffered great pain and suffering, humiliation, embarrassment and loss of life's pleasures.

WHEREFORE, Plaintiff, Matthew Puleo, demands judgment against Defendants, West Norriton Police Department, West Norriton Township and Police Officer Bishop, individually, jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) together with interest, costs of suit, and any other relief this Honorable Court may deem just and proper.

SAFFREN & WEINBERG

By:

Marc A. Weinberg, Esquire
Attorney for Plaintiff

VERIFICATION

MARC A. WEINBERG, hereby states that he is counsel of record for the Plaintiff in this action and that the facts in the foregoing Civil Action-Complaint are true and correct to the best of his knowledge, information and belief; and that the statements therein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.



MARC A. WEINBERG, ESQUIRE

DATED: 11-1-24